



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

EAG:KMT/MKP  
F. #2011R01816

*271 Cadman Plaza East  
Brooklyn, New York 11201*

May 9, 2016

By ECF

The Honorable William F. Kuntz, II  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Semyon Bumagin  
Criminal Case No. 11-800 (WFK)

Dear Judge Kuntz:

In light of the government's continuing concerns about the defendant's competency to stand trial, the government has offered the defendant an agreement in which he consents, inter alia, to toll the statute of limitations for the crimes charged in the above-captioned indictment and, in exchange, the government agrees to dismiss those charges without prejudice. In light of this proposed disposition and in order to permit the parties time to execute this agreement, the parties jointly request that the trial in this matter, currently scheduled for June 6, 2016, be adjourned.

Defense counsel has informed the undersigned that she intends to recommend to her client that he enter this proposed agreement with the government. The parties therefore jointly and respectfully request that the Court schedule a hearing at its earliest convenience so that the parties may appear and the Court may enter an order dismissing the indictment without prejudice. A proposed order is attached for the Court's review.

Defense counsel has informed the undersigned that she will not be in the New York area for the next several weeks.<sup>1</sup> Given the urgency of the requested hearing, defense counsel requests that the Court permit her to appear at the dismissal hearing by telephone. Defense counsel has informed the undersigned that, prior to the hearing, she will arrange to have a colleague from the CJA panel meet with the defendant to explain the proposed resolution and to execute the dismissal agreement. With the Court's permission, this substitute counsel will also appear in person at the dismissal hearing. The government has no objection to this request.

Respectfully submitted,

ROBERT L. CAPERS  
United States Attorney

By: /s/  
Kevin Trowel  
Moir Kim Penza  
Assistant U.S. Attorneys  
(718) 254-7000

cc: Zoe Dolan, Esq. (by ECF)

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<sup>1</sup> As the Court is aware, defense counsel lives in California.

EAG:KMT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

MOTION TO DISMISS

- against -

Cr. No. 11-800 (WFK)

SEMYON BUMAGIN,

Defendant.

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Upon the application of ROBERT L. CAPERS, United States Attorney for the Eastern District of New York, by Assistant United States Attorneys Kevin Trowel and Moira Penza, for an order dismissing the indictment in the above-captioned matter without prejudice;

WHEREFORE, it is hereby ordered that the indictment in the above-captioned matter be dismissed without prejudice.

Dated: Brooklyn, New York  
May \_\_\_\_\_, 2016

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HON. WILLIAM F. KUNTZ II  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK